

**NO. PD-0202-19  
IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF TEXAS  
AUSTIN, TEXAS**

FILED  
COURT OF CRIMINAL APPEALS  
6/6/2019  
DEANA WILLIAMSON, CLERK

**ALBERTO MONTELONGO  
Appellant  
v.  
STATE OF TEXAS  
Appellee**

**MOTION TO EXTEND TIME TO FILE BRIEF  
IN SUPPORT OF PETITION FOR DISCRETIONARY REVIEW**

**TO THE HONORABLE JUDGES OF SAID COURT:**

Now comes Jaime Montelongo, appellant in the above styled and numbered cause, and moves for an extension of time of 30 days to file a brief in support of Petition for Discretionary Review, and for good cause shows the following:

1. On August 31, 2018, the Eighth Court of Appeals affirmed appellant's conviction in the case styled *State of Texas v. Alberto Montelongo* and numbered 20150D02224.
2. Appellant through previous counsel moved for a rehearing on December 14, 2018. Appellant's motion for rehearing was denied on January 9, 2019.
3. On May 8, 2019, this Court granted Appellant's petition for discretionary review making the due date for Appellant's brief June 7, 2019.

4. Appellant requests an extension of time of 30 days from the current due date, i.e. July 7, 2019.
5. No extension to file the brief has been received in this cause.
6. Defendant is currently incarcerated.
7. Appellant relies on the following facts as good cause for the requested extension:

- a. Counsel for Appellant, Joe A. Spencer, requires additional time to continue his review of the reporter's record, prior counsel's file, continue his legal research and drafting of the brief as undersigned counsel was not retained until after the Appellant's motion for rehearing was denied. The present status of the course of these matters has made it apparent that undersigned counsel requires more time to prepare Mr. Montelongo's brief.
- b. Furthermore, undersigned counsel, in addition to his regular docket, is preparing for trial/briefing in the following capital murder/murder cases:

*The State of Texas vs. Shawn Ramirez*; Cause No. 20180D00638 – Capital Murder

*The State of Texas vs. Stephen Valdes*; Cause No. 20140D03031 – Capital Murder

*The State of Texas vs. Bilal Muhammad*; Cause No. 20160D01015 – Capital Murder

*The State of Texas vs. Arlene Pina*; 2019-PFILE06291 – Capital Murder

*Davis v. Stephens*; 3:14-cv-00121-KC - Mr. Davis is a capitally sentenced person in federal habeas corpus proceedings.

**WHEREFORE, PREMISES CONSIDERED**, appellant respectfully requests an extension of 30 days, i.e. until July 7, 2019, to file brief in support of petition for discretionary review.

Respectfully Submitted,

/s/ Joe A Spencer

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### **CERTIFICATE OF SERVICE**

Undersigned counsel hereby acknowledges that, on June 5, 2019, a copy of the foregoing documents was served, through his Appellate Division, on Mr. Jaime Esparza, District Attorney for the 34th Judicial District of Texas, via notification provided by the electronic filing notification service to [DAAppeals@epcounty.com](mailto:DAAppeals@epcounty.com)

/s/ Joe A. Spencer

Joe A. Spencer, Attorney